

(21) Section 411 is amended to read as follows:

"Sec. 411. Certification of Completion of Coal Reclamation.

"(a) The Governor of a State, or the head of a governing body of an Indian tribe, with an approved abandoned mine reclamation program under section 405, may certify to the Secretary that reclamation of all eligible lands and waters under section 404 with the priorities stated in paragraphs (1), (2), and (3) of section 403(a) has been achieved. The Secretary, after notice in the Federal Register and opportunity for public comment, shall concur with such certification if the Secretary determines that such certification is correct.

"(b) The Secretary may make the certification referred to in subsection (a) on behalf of any State or Indian tribe if, on the basis of the inventory referred to in section 403(c), all reclamation projects relating to the priorities set forth in paragraphs (1), (2), and (3) of section 403(a) for eligible lands and waters under section 404 in such State or tribe have been completed. The Secretary shall only make such certification after notice in the Federal Register and opportunity for public comments."

(22) Section 413(d) is amended by striking "(33 U.S.C.A. 1151, et seq. as amended)" and inserting in its place "(33 U.S.C. 1251 et seq.)."

(23) Section 413(e) is amended by striking the comma after the word "agencies".

(24) Section 414 is amended to read as follows:

"Sec. 414. Interagency Cooperation.

"(a) IN GENERAL.—All departments, boards, commissioners, and agencies of the United States of America shall cooperate with the Secretary by providing technical expertise, personnel, equipment, materials, and supplies to implement and administer the provisions of this title of this Act.

"(b) EXCISE TAX COLLECTION.—Notwithstanding any provision of law to the contrary, the Secretary is authorized to collect the excise tax imposed by section 4121 of the Internal Revenue Code of 1986 (26 U.S.C. 4121). The Secretary of the Treasury shall enter into an agreement with the Secretary providing for reimbursement of any additional expenses that the Office incurs in connection with collecting this tax and conducting audits related thereto."

(25) Section 415 is added to read as follows:

"Sec. 415. Remining Incentives.

"(a) Notwithstanding any other provisions of this Act to the contrary, the Secretary may propose, and, after opportunity for public comment, adopt, regulations that would prescribe conditions under which the fund may be used to promote remining of eligible lands under section 404 to leverage use of monies available from the fund to achieve more reclamation of those lands than would otherwise be likely to occur. Any such regulations shall specify that these incentives will apply only in situations in which the agency administering this title of this Act determines, with the concurrence of the regulatory authority under title V of this Act that the site is otherwise not likely to be remined and reclaimed under the applicable regulatory program.

"(b) Incentives that may be considered include, but are not limited to—

"(1) A rebate or waiver of the reclamation fee payments required under section 402(a) of this Act. The rebate or waiver shall be limited to operations that remove or reprocess abandoned coal mine waste or that remine sites meeting the priorities in paragraph (1) or (2) of section 403(a). The amount of the rebate or waiver shall be limited to the esti-

mated cost of reclaiming those sites under this title of this Act.

"(2) Use of the fund to provide financial assurance for remining operations in lieu of all or part of the performance bond required under section 509 of this Act."

(26) section 510 is amended by—

(A) inserting a sentence at the end of subsection (c) to read as follows: "In applying the prohibitions of this subsection after October 24, 1992, the regulatory authority shall not include any violation resulting from an unanticipated event or condition at a surface coal mining operation on lands eligible for remining under a permit held by the person making the application."; and

(B) striking subsection (e) in its entirety.

(27) Section 515(b)(22)(B) is amended to read as follows:

"(B) the areas of disposal are within either a bonded permit area or the boundaries of an abandoned mine land reclamation project approved under title IV of this Act, and all organic matter shall be removed immediately prior to spoil placement;"

(28) Section 701 is amended by—

(A) in paragraph (33), striking "section 510(e)" and inserting in its place "section 510(c)"; and

(B) amending paragraph (34) to read as follows:

"(34) the term "lands eligible for remining" means those lands eligible for expenditures under section 404 of this Act."

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 296—RELATING TO SENATE ADJOURNMENTS AND RECESSES

Mr. FRIST (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 296

Resolved, That the Presiding Office of the Senate may suspend any proceeding of the Senate, including a roll call vote or a quorum call, and declare a recess or adjournment of the Senate subject to existing authorities or subject to the call of the Chair, within the limits of article I, section 5, clause 4, of the Constitution, whenever the Presiding Officer has been notified of an imminent threat.

SEC. 2. When the Senate is out of session, the Majority and Minority Leaders, or their designees, may, acting jointly and within the limits of article I, section 5, clause 4, of the Constitution, modify any order for the time or place of the convening of the Senate when, in their opinion, such action is warranted by intervening circumstances.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on February 4, 2004, at 9:30 a.m., in the Carl Vinson Room of the Rayburn House Office Building, in open session to receive testimony on the Defense Authorization request for fiscal year 2005 and the future years Defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT OF COMMITTEE TO ESCORT HIS EXCELLENCY JOSE MARIA AZNAR, PRESIDENT OF THE GOVERNMENT OF SPAIN

Mr. FRIST. Mr. President, I ask unanimous consent that the President of the Senate be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort His Excellency Jose Maria Aznar, President of the Government of Spain, into the House Chamber for the joint meeting tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR COMMITTEE TO MEET

Mr. FRIST. Mr. President, I ask another unanimous consent for a committee to meet during tomorrow's session of the Senate. It has the approval of the majority and minority leaders.

I ask unanimous consent that this request be agreed to and that this request be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. For the information of Members, Chairman WARNER will hold this hearing tomorrow at 9:30 a.m., in the Rayburn House Office Building, in the Carl Vinson Room. Secretary Rumsfeld will be at the hearing and will provide testimony on the 2004 Defense authorization bill.

Again, this hearing will be in the Rayburn House Office Building at 9:30 tomorrow morning.

ORDERS FOR WEDNESDAY, FEBRUARY 4, 2004

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 1 p.m., Wednesday, February 4. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of S. 1072, the highway bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, tomorrow at 11 a.m., the Senate and House will conduct a joint meeting to hear an address by President Aznar of Spain. We do ask Senators be in the Senate Chamber at 10:40 a.m. so Senators can proceed together to the Hall of the House of Representatives for that address.

At 1 p.m., the Senate will reconvene and resume consideration of S. 1072, the highways bill. Notwithstanding the